APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,414	11/10/1999	ALEKSANDER SZLAM	CONCERTO-500AAX	7944

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	09/437,414	SZLAM ET AL.	
	Examiner	Art Unit	
	SIMON SING	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 March 2009_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _74-82_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _74-82_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Oliphant et al. US 4,881,261 in view of Beckle et al. US 5,153,909.

1.1   Regarding claim 74, Oliphant discloses a method in an automatic call distribution

(ACD) system, comprising:

        processing inbound calls (column 1, lines 42-45);

        processing outbound calls (column 6, line 64 to column 7, line 1);

        obtaining a state of the queues of said inbound or outbound calls (column 7, lines

13-18); and

        adjusting calls processing, by assigning available agents to inbound or outbound

calls, based on said state (column 5, lines 11-17).

        Oliphant teaches real-time call statistics (column 8, lines 10-13), and assigning

agents to incoming or outgoing calls based on the states of the incoming and outgoing

queues (column 1, lines 6-10, 42-45; column 5, lines 11-15), and reassigning agents to

an incoming queue from other assignment (column 1, lines 34-38).   Oliphant fails to explicitly teach that assigning agents to process inbound calls is based on the statistics of outbound calls.

However, Beckle discloses a method in an automatic call distribution (ACD) system, and teaches obtaining the statistics of a queue (column 1, lines 20-30), and assigning agents from one call queue to another based on the statistics (column 1, lines 30-41; column 6, lines 59-68; column 7, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oliphant reference with the teaching of Beckle, so that when assigning agents to process an inbound queue would have been based on real-time statistics of an outbound queue (agents finished outbound call; Oliphant, column 5, lines 11-15) and an inbound queue (incoming calls cannot be handle immediately; Oliphant, column 1, lines 42-45, column 5, lines 13-17). The motivation of such a modification was to keep all agents busy to improve productivity and to improve customer satisfaction by reducing waiting time in a queue as taught by Oliphant (Oliphant, column 1, lines 6-10).

1.2   Regarding claims 75 and 76, the modified Oliphant reference teaches obtaining the statistics of a queue, such as an average waiting time (Beckle, column 1, lines 29-31), so it would have been obvious to assign agents to reduce the waiting time when the statistics indicated that the waiting time in a queue has acceded the average time.

1.3   Regarding claims 77 and 80, Oliphant discloses a method in an automatic call distribution (ACD) system, comprising:

        processing inbound calls (column 1, lines 42-45);

        processing outbound calls (column 6, line 64 to column 7, line 1);

        obtaining a state of the queues of said inbound or outbound calls (column 7, lines 13-18); and

        adjusting calls processing, by assigning available agents to inbound or outbound calls, based on said state (column 5, lines 11-17).

        Oliphant teaches real-time call statistics (column 8, lines 10-13), and assigning agents to incoming or outgoing calls based on the states of the incoming and outgoing queues (column 1, lines 6-10, 42-45; column 5, lines 11-15), and reassigning agents to an incoming queue from other assignment (column 1, lines 34-38). Oliphant fails to explicitly teach that assigning agents to process outbound calls is based on the statistics of inbound calls.

        However, Beckle discloses a method in an automatic call distribution (ACD) system, and teaches obtaining the statistics of a queue (column 1, lines 20-30), and assigning agents from one call queue to another based on the statistics (column 1, lines 30-41; column 6, lines 59-68; column 7, lines 1-2).

        Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oliphant reference with the teaching of Beckle, so that when assigning agents to process an outbound queue would have been based on real-time statistics of an outbound queue (agents required for outbound

queue; Oliphant, column 5, lines 11-15, column 6, lines 64-68, column 7, line 1) and an

inbound queue (empty inbound queue; Oliphant, column 5, lines 13-17). The motivation

of such a modification was to keep all agents busy to improve productivity and to

improve customer satisfaction by reducing waiting time in a queue as taught by Oliphant

(Oliphant, column 1, lines 6-10, 34-38).

1.4   Regarding claims 78, 79, 81 and 82, the modified Oliphant reference teaches

outbound calls (Oliphant, column 1, lines 6-10, column 5, lines 11-15, column 6, lines

64-67, column 7, line 1), and obtaining the statistics of a queue, such as an average

waiting time (Beckle, column 1, lines 29-31), so it would have been obvious to assign

agents to reduce the waiting time when the statistics indicated that the waiting time in a

queue has acceded the average time.

Response to Arguments

2.   Applicant's arguments filed on 07/03/2008 have been fully considered but they

are not persuasive.

       Applicant contends that the USC 103(a) rejection lacks basis of obviousness,

and the examiners relies on hindsight for making the rejection. Examiner respectively

disagrees. Oliphant teaches an inbound queue (column 1, lines 42-45), an outbound

queue (column 6, line 64 to column 7, line 1), assigning agents to handle either inbound

call or outbound call based on the state of inbound and outbound calls (column 7, lines

13-18; column 5, lines 11-17), and keeping agents busy to minimized waiting time in a

queue (column 1, lines 6-10). Oliphant further teaches real-time statistics (column 8, lines 10-13), and the information regarding incoming and outgoing calls and the state of the queues (column 7, lines 13-18), and reassigning agents to an incoming queue from other assignment (column 1, lines 34-38).   Therefore, assigning agents (column 1, lines 34-38; column 5, lines 11-17) to a queue obviously would have been based on the queue length (real-time statistics) of the inbound queue and the outbound queue, i.e. based on which queue needs more agents than the other. In addition, Beckle teaches obtaining the statistics of a queue (column 1, lines 20-30), and assigning agents from one call queue to another based on the statistics (column 1, lines 30-41; column 6, lines 59-68; column 7, lines 1-2). Therefore, it would have been obvious to assign agents based on the real-time statistics of inbound calls and outbound calls.

Conclusion

3.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Simon Sing/

Examiner, Art Unit 2614

04/22/2009